

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR 2002-093045

06/10/2005

THE HON. CRANE MCCLENNEN

CLERK OF THE COURT
E. Campo
Deputy

FILED: 06/21/2005

STATE OF ARIZONA

JEANNETTE GALLAGHER

v.

ALAN MARCEL SOJKA (A)

GARY J BEVILACQUA
JOSEPH A STAZZONE
DEAN WOLCOTT

VICTIM SERVICES DIV-CA-SE

COMPLEX /CAPITAL CASE MANAGEMENT CONFERENCE

2:45 p.m. The matter is called.

State's Attorney:	Jeanette Gallagher
Defendant's Attorney:	Gary Bevilacqua and Joseph Stazzone
Defendant:	Present
Court Reporter:	Sally Stearman

This is the time set for Complex /Capital Case Management Conference.

Discussion is held regarding the new trial date as set forth.

Discussion is held regarding pretrial matters.

Counsel for the State requests preclusion of witnesses based on untimely disclosure.

Argument is presented as set forth on the record.

IT IS ORDERED that the State shall have until November 30th, 2005 to file any rebuttal witnesses or theories.

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Court and counsel discuss mitigation disclosure as set forth on the record.

The State requests that witnesses be precluded from testifying at the mitigation phase due to untimely disclosure.

The Court specifically finds that disclosure was made untimely.

Sanctions are discussed as set forth on the record.

So that the Court may make a proper determination of the significance of the information,

IT IS ORDERED that counsel for the Defendant shall supply this Court, and the State, with a written statement setting forth to the fullest extent possible, all of what each witness is expected to say.

Discussion is held regarding defense counsel's competence and claims of ineffective assistance of counsel as set forth on the record.

IT IS ORDERED that the Defense shall disclose the following:

For John Wicks and Mary Connell:

Preliminary reports

Raw data of any psychological or neurological tests performed

Curriculum Vitae

List of any documents, photos, or other materials they relied on in forming their opinions

For James Eston:

Any Curriculum Vitae that he may have

Any materials he relied on to form his opinion

Discussion is held regarding jail records.

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For Karen Hellman:

Counseling records

Curriculum Vitae

Any other materials she relied on in forming her opinions

Further pretrial issues are discussed as set forth on the record.

IT IS ORDERED that the statement shall be furnished to the State by 07/01/2005. The State shall e-mail its reply by 07/11/2005.

IT IS ORDERED setting the next Complex /Capital Case Management Conference for 07/15/2005 at 1:30 p.m. in this division.

IT IS ORDERED affirming the Trial set for 01/17/2006 at 9:30 a.m. before Judge McClennen.

LAST DAY REMAINS: 03/02/2006.

IT IS ORDERED affirming prior custody orders.

4:22 p.m. The matter concludes.